



August 10, 2005

SENT BY ECFS

Marlene H. Dortch, Commission Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW,
Washington DC 20554

Re: WC Docket No. 04-36
WC Docket No. 05-196

Dear Commissioner Dortch:

Following are the actions taken by Optivon, Inc, to comply with the FCC VoIP E911 Order.

As requested we have:

1. Advised all of our customers, new and existing subscribers, through a letter dated July 29, 2005 and signed by the President of the Company that services provided by Optivon do not support 911 or E911 access to emergency services. Letter sent notified customers that Optivon is working to meet November 28, 2008 dateline for provision of the required E911 service. See Exhibit A.
2. Customers were requested to acknowledge that they read the letter by signing the letter and returning it by fax to our offices.
3. The following table summarizes, as of today August 10, 2005, the customers contacted and the means used to communicate with them:

Total Active Customers	71

Customers Contacted by Fax	68
Customers Contacted by Messenger	2
Customers Contacted by Certified Mail	1
Total Customer Contacted	71
Percentage of Customers Contacted	100%

For customers contacted by fax, we have fax transmittal acknowledgements as evidence that the letter was received by them. We have prepared a file of all faxes sent and copies of the letters sent by messenger as evidence of our efforts.

4. The following table summarizes the replies accounted for, as this morning, of the correspondence sent to active customers related to E911:

Customers Contacted	71
Acknowledge Received	39
Percentage of Affirmative Acknowledgement	54.9%

Copies of the signed acknowledgements is kept in a separate file.

5. We expect to receive prior to August 29, 2005 100% affirmative acknowledge from customers of the E911 letter.
6. We have ordered warning stickers to be distributed to all customers that have CPE. Such stickers indicate that E911 is not available. Once the stickers are received, and prior to August 28, all customers will receive the stickers with a letter advising them to place the sticker in the handset of the CPE. Letter with the warning stickers will be delivered by courier or messenger. Acknowledgment of receipt will be obtained.
7. We have taken the following additional actions to notify customers that the E911 service is not available at this time:
- Term of Service Agreement- We have a section in our Term of Service Agreement that clearly notifies customers that 911 service is not available. All VoIP service subscribers, must accept reading this document prior to obtaining their password. Document can be accessed at our website. Please refer to http://www.optivonpr.com/about/terms_service.cfm for further details.

- b. The Sale Proposal to potential customers includes, as a standard, Appendix C - Master Service Agreement. Section 14 - Emergency Service-911 Dialing includes the same wording as the one included in the Terms of Service Agreement. All customers that contract our service must sign the Master Service Agreement. Copies of such document is kept in the customer file.
 - c. Monthly Customers Invoices- We have included in our monthly invoices a Reminder to Customers about the 911 situation and refer them to our webpage for further information.
8. We expect to receive 100% Affirmative Acknowledgment from our customers and will continue to follow up to achieve our goal. We will continue calling all customers, and by August 15, we will send a letter to non-reply customers of their disconnection if an acknowledgment to the July 29 E911 letter is not received by August 29, 2005.
9. The person responsible for our Company's compliance efforts with the FCC VoIP E911 Order is:

Mr. Rafael Morales, VP
Optivon, Inc.
Tres Rios Bldg. Suite 101
27 Gonzalez Giusti Ave.
Guaynabo PR 00968
Phone-787-625-2720
Email- rmorales@optivon.com

Feel free to contact me if you need further details related to our efforts.

Regards,

Rafael Morales

Rafael Morales
Vicepresident

xc. Luis Romero Font, President

Exhibit A
Letter Sent to Customers

July 29, 2005

Name
Title
Company
Address
Address

RE: E911 capabilities

Dear (name of contact).

The FCC requires that in order to ensure that consumers of interconnected VoIP services are aware of their interconnected VoIP service's actual E911 capabilities that all providers of interconnected VoIP service specifically advise every subscriber, both new and existing, prominently and in plain language, the circumstances under which E911 service may not be available through the interconnected VoIP service or may be in some way limited by comparison to traditional E911 service. In compliance of such requirement, Optivon, Inc. hereby advises you, [*enter company name here*], that as established in the service agreement and terms of service, the service provided by Optivon to you does NOT support 911 or E911 access to emergency services. Optivon is working to meet the November 28, 2005 dateline for the provision of the required E911 service.

Over the past few decades, public safety agencies throughout the country have invested hundreds of millions of dollars upgrading their 911 systems to Enhanced 911 (E911).

E911 service delivers address-specific (versus phone number-only) call-back information to public service answering points (PSAPs) whenever someone makes an emergency call. This enables emergency personnel to be dispatched to the scene even if the caller is unable to speak or if the call is suddenly disconnected.

As required by the FCC, we are hereby informing you that, under certain circumstances, when 911 is dialed from a phone connected to an Internet phone service, E911 service may not be available, or the E911 service may be in some way be limited by comparison to traditional E911 service. These circumstances include:

- When the location of your IP Phone device is at a physical address other than the one you listed when you activated your account.
- When you use a non-native telephone number in the IP Phone at your original physical address.
- When your broadband phone device fails or is not configured properly.
- When there is an electrical power outage, service outage or suspension/disconnection of Optivon service due to billing or other issues.
- When there is a delay in the provision of Optivon service ("dial tone") at the physical address provided at the time of account activation.
- When a change of address has been reported, but not yet been updated on the Optivon account.
- When the local PSAP receiving Optivon E911 emergency service calls does not have a system configured for E911 services that enables the operator to capture and/or retain automatic number or location information.
- When due to technical factors in network design and/or in the event of network congestion on the Optivon network, an Optivon call may produce a busy signal or experience unexpected answering wait times and/or take longer to answer than 911 calls placed via traditional telephone networks.
- When there is a Service outage for any reason, such outage will prevent all Service, including 911 Dialing, from functioning. Such outages may occur for a variety of reasons, including, but not limited to, those reasons described elsewhere herein.

Optivon is committed to meeting the demands of our subscribers for E911 as well as the FCC's requirements with the same diligence and seriousness with which we have always approached this important telecommunications issue.

FCC E911 Report
August 10, 2005
Page 7

Sincerely yours,

Optivon, Inc.

Luis G. Romero
President/CEO

I hereby acknowledge that I have read the previous information.

For [*insert name of Company here*]

(signature)

Name: _____

Note: Please return the signed letter via FAX to 787-277-4110.